

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RANDY POWELL #A-92821,)
Plaintiff,)
v.) No. 09 C 4503
SGT. KUBICK/CHICAGO POLICE, et al.,)
Defendants.)

MEMORANDUM OPINION AND ORDER

Randy Powell ("Powell") has just tendered a self-prepared Complaint, employing the form made available by this District Court's Clerk's Office for use by persons in custody--"self-prepared" in the sense that all of the requested information has been typewritten into the document by Powell himself. In addition, Powell has completed and submitted two other Clerk's-Office-provided forms: an In Forma Pauperis Application ("Application") and a Motion for Appointment of Counsel ("Motion").¹ This Court has engaged in the preliminary screening called for by 28 U.S.C. §1915A(a), and it finds that 28 U.S.C. §1915A(b) (1) calls for dismissal.

All Illinois-based lawsuits under 42 U.S.C. §1983 (and also 42 U.S.C. §1985, which Powell lists as an added source of possible relief) are subject to a two-year statute of

¹ Actually Powell has not completed the Motion properly, for he has omitted its most critical information: the recital of any efforts that he has made on his own to obtain a lawyer to represent him.

limitations. In this instance the conduct ascribed to City of Chicago police officers and Illinois Department of Corrections parole agents took place on July 7, 2007, more than two years before Powell filed suit.

As for the post-mid-July events that Powell recounts, neither the September 12, 2007 indictment brought against him nor his conviction on those charges implicates a constitutional violation. Indeed, Powell's assertion of an alleged conspiracy (and worse) on the part of a state court judge is barred by the principle of judicial immunity, while his similar charge against the public defender who represented Powell does not involve conduct by a "state actor" under Supreme Court doctrine, so that federal subject matter jurisdiction is absent.

Accordingly, as stated at the outset, both Powell's Complaint and this action are dismissed. Under the circumstances both the Application and the Motion are denied as moot, and other deficiencies in Powell's submissions will simply be ignored as moot as well.


Milton I. Shadur
Milton I. Shadur
Senior United States District Judge

Date: July 29, 2009